

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEITH CHAMPAGNE,	:	
Petitioner,	:	
v.	:	Civil Action No. 05-177J
GEORGE PATRICK, WARDEN,	:	
S.C.I. HOUTZDALE,	:	
Respondent	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on December 15, 2005, docket no. 8, recommending that the petitioner's petition for a writ of habeas corpus be denied without prejudice as unexhausted, and that a certificate of appealability be denied.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Petitioner filed objections, docket no. 12, as well as a traverse to the respondent's answer, docket no. 10, and a brief in support of the traverse, docket no. 11. I find petitioner's objections to be without merit.

After de novo review of the record of this matter, together with the Report and Recommendation, and the petitioner's traverse to the response and objections to the Report and Recommendation, the following order is entered:

AND NOW, this 4<sup>th</sup> day of January, 2006, it is

ORDERED that the petitioner's petition for a writ of habeas corpus is denied without prejudice as unexhausted. A certificate of appealability is denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

cc:

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